

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CASEY CUNNINGHAM, CHARLES E.
LANCE, STANLEY T. MARCUS, LYDIA
PETTIS, and JOY VERONNEAU, individually
and as representatives of a class of participants
and beneficiaries on behalf of the Cornell
University Retirement Plan for the Employees of
the Endowed Colleges at Ithaca and the Cornell
University Tax Deferred Annuity Plan,

Plaintiffs,

16-cv-6525 (PKC)

-against-

ORDER

CORNELL UNIVERSITY, THE RETIREMENT
PLAN OVERSIGHT COMMITTEE, MARY G.
OPPERMAN, and CAPFINANCIAL
PARTNERS, LLC d/b/a/ CAPTRUST
FINANCIAL ADVISORS,

Defendants.


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CASTEL, U.S.D.J.

On February 11, 2019, the Court granted defendants Cornell University, The Retirement Plan Oversight Committee, and Mary G. Opperman (“Cornell Defendants”)’s motion to provisionally hold certain documents in their entirety under seal for fourteen days. (Doc 256). The Court has since received motions to seal some or all of these documents from defendant CAPTRUST Financial Advisors (Doc 257) and non-party Fidelity Management Trust Company (Doc 269). Cornell Defendants stated in their letter of February 5, 2019, that they had in their possession redacted copies of the disputed documents with redactions proposed by Fidelity and that they could file redacted versions of the documents immediately. (Doc 256). After consulting with Fidelity and CAPTRUST on redactions satisfactory to all moving parties, Cornell Defendants shall file redacted versions of the documents that were provisionally sealed on February 11, 2019.

The documents currently under provisional seal by Order of February 11, 2019 shall remain fully under seal until they are replaced with their redacted versions.¹

There are also pending motions to seal with respect to several other documents filed by the Cornell Defendants and listed in Exhibit A of Doc 243. (See Docs 257, 261, 263). These documents currently appear on the docket in redacted form, and require no further action on the part of the Cornell Defendants. (See Doc 243). The Court will defer decision on the motions to seal pending disposition of their accompanying underlying motions to exclude and for summary judgment.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
February 25, 2019

¹ Fidelity's motion to seal includes one additional document, Doc 252-1, not mentioned in the provisional order. (See Doc 270 at 3). As a redacted version of Doc 252-1 already appears on the docket, no further action is necessary with respect to this document.